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In re Application of :
McMorrow :
Application No.: 10/516,806 :
PCT No.: PCT/EP02/12619 :
Int. Filing Date: 12 November 2002 : DECISION
Priority Date: 13 November 2001 :
Attorney Docket No.: 3998264-151581 :
For: A Laryngoscope :

This is in response to the documents filed on 03 December 2004 and on 07 February 2005, which are being treated as a petition under 37 CFR 1.181.

BACKGROUND

This international application was filed on 12 November 2002 and claimed a priority date of 13 November 2001. The International Bureau transmitted a copy of the published international application to the USPTO on 22 May 2003. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 13 May 2004.

DISCUSSION

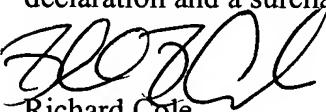
Referring to papers filed on 03 December 2004, applicant "requests that the USPTO accord these papers the original filing date of May 13, 2004 on the basis of the stamped postcard receipt." Said papers filed on 03 December 2004 include a preliminary amendment, an "Authorization re Deposit Account," a "Certificate Of Filing By Express Mail," an Information Disclosure Statement, a copy of the published international application, and a copy of the International Search Report, along with a copy of a return postcard receipt itemizing the papers enumerated above and stamped as "Rec'd PCT/PTO 13 MAY 2004." MPEP 503 states in part that "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Pursuant to that practice, the copies of the preliminary amendment, the "Authorization re Deposit Account," the "Certificate Of Filing By Express Mail," the Information Disclosure Statement, the copy of the published international application, and the copy of the International Search Report filed on 03 December 2004 are being accepted as copies of the corresponding documents originally filed on 13 May 2004.

DECISION

The petition is **GRANTED**.

The \$920.00 basic national fee (applicable as of 13 May 2004) is being charged to counsel's Deposit Account No. 16-2326, as authorized by the "Authorization re Deposit Account" filed on 13 May 2004.

This application is being forwarded to the National Stage Processing Branch for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an executed oath or declaration and a surcharge under 37 CFR 1.492(e).



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